

Article - Transportation

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§26–201.

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

(1) The Maryland Vehicle Law, including any regulation adopted under any of its provisions;

(2) A traffic law or ordinance of any local authority;

(3) Title 9, Subtitle 2 of the Tax – General Article;

(4) Title 9, Subtitle 3 of the Tax – General Article;

(5) Title 10, Subtitle 4 of the Business Regulation Article;

(6) § 10–323 of the Business Regulation Article; or

(7) § 10–323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) A notice in boldface type that, if the citation is a payable violation:

(i) The person must comply with one of the following within 30 days after receipt of the citation:

1. Pay the full amount of the preset fine;

2. Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

3. Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

(ii) 1. If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may take action to suspend the person's driver's license; and

2. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or

(2) If the citation is for a must-appear violation, a notice that:

(i) The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

(ii) A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

(3) The name and address of the person;

(4) The number of the person's license to drive, if applicable;

(5) The State registration number of the vehicle, if applicable;

(6) The violation or violations charged;

(7) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1-605 of the Courts Article;

(8) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(9) Any other necessary information.

(d) If a citation is marked "you have the right to stand trial":

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

(ii) Request a trial; and

(iii) Request a “guilty with an explanation” hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the “return to court” copy of the citation shall include in boldface type a check-off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer’s certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer’s certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

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